

REMARKS

Claims 1-53 were originally presented for consideration in this application. Claims 1, 2, 6-9, 29, 30, 37-41, 44, 46, 49, 52 and 53 are presently being considered, the remaining claims being withdrawn pursuant to a requirement for election of species.

The indication in the Office Action that claim 9 contains allowable subject matter is noted with appreciation.

The following rejections were set forth in the Office Action:

Claims 1, 2, 6-8, 29, 30, 37-41, 44, 46, 49, 52 and 53 stand rejected under 35 USC §103 as being obvious over U.S. Patent No. 5,788,263 to VanDenberg in view of U.S. Patent No. 3,756,646 to Gimlett et al.

The applicants respectfully traverse each of these claim rejections. Specifically, a *prima facie* case of obviousness has not been made out for the rejected claims.

Regarding the obviousness rejection of claim 1, this claim recites that a beam body made of a composite material has a metal end connection at one of its opposite ends. For example, in an embodiment described in the specification, a sleeve 38 for a pivot bushing 20 is secured at one end of a composite beam 152 (see FIG. 11). There is no disclosure in VanDenberg of such a metal end connection at one end of a composite beam. VanDenberg does describe a bushing sleeve 30, but does not mention of what material the sleeve is made.

Furthermore, VanDenberg teaches away from the use of conventional pivot bushings (see col. 3, lines 23-30, 40 and 41), and so it cannot be assumed that VanDenberg would use any particular type of conventional materials in the pivot end

connection. Perhaps, in the interest of saving weight, reducing manufacturing cost, etc., VanDenberg would use a composite material instead of metal to make the bushing sleeve 30.

VanDenberg also stresses the need for a low modulus of elasticity at the end connections (e.g., col. 3, lines 46-50 and 60-64, and col. 6, lines 9-14). In contrast, metals typically have relatively high moduli of elasticity. Thus, in this additional way, VanDenberg teaches away from the use of metal end connections.

In addition, VanDenberg stresses the need for allowing the axle to deflect and assume an out-of-round shape at the beam axle connection (e.g., see col. 6, lines 14-18). A metal axle connection, with its higher modulus of elasticity, would function to reduce this deflection of the axle, thereby countervailing VanDenberg's stated object of his end connection. Therefore, in yet another manner, VanDenberg teaches away from the use of a metal end connection.

It is clear, then, that the VanDenberg reference cannot be combined with any other reference in a *prima facie* case of obviousness of claim 1, since VanDenberg clearly, repeatedly and in several different ways teaches directly away from the invention recited in claim 1. Accordingly, the examiner is respectfully requested to withdraw the obviousness rejections of claim 1 and its dependents.

Claim 49 also recites that one of the axle and frame end connections is made of metal, and so for at least the reasons stated above, the examiner is respectfully requested to withdraw the obviousness rejection of claim 49.

Regarding the obviousness rejection of claim 2, this claim recites that the metal end connection is a frame pivot connection. As discussed above, VanDenberg does not describe a metal end connection on a suspension system beam. In addition, VanDenberg does not describe a frame pivot connection which is a metal end connection. Furthermore, VanDenberg teaches directly away from use of metal end connections. For this additional reason, the examiner is respectfully requested to withdraw the rejections of claim 2.

Regarding the obviousness rejection of claim 4, this claim recites that the axle is made of an axle composite material. Gimlett does describe an axle which includes a composite material. However, this axle rotates during use, and so the Gimlett axle simply could not be used in the suspension system of claim 1 which requires a beam interconnected between the vehicle frame and the axle. For this additional reason, the examiner is respectfully requested to withdraw the rejection of claim 4.

Regarding the obviousness rejections of claims 8, 29 and 46, these claims recite in one form or another an I-beam shape of the beam body. VanDenberg does not disclose such a beam shape. Instead, VanDenberg describes his beam 15 as having top and bottom walls 34, 35 and side walls 36 (see col. 5, lines 58-60 and col. 6, lines 53-59). One might be misled by not recognizing at first that the drawing figures of VanDenberg show the beam 15 in cross-section. The beam 15 has a rectangular box shape (formed by the top, bottom and side walls 34, 35, 36) and not an I-beam shape. Thus, VanDenberg and Gimlett do not disclose the combination of elements and limitations recited in claims 8, 29 and 46, and so the examiner is respectfully requested to withdraw the rejections of these claims and their dependents.

Regarding the obviousness rejection of claim 44, this claim recites that there is a greater density of fibers in the flanges of the beam body. As discussed above, VanDenberg does not disclose an I-beam shaped beam body. VanDenberg also does not disclose any flanges of a beam body having a greater density of fibers than a web of the beam body. The examiner has acknowledged this by indicating that claim 9 contains allowable subject matter. Thus, the examiner is respectfully requested to also withdraw the rejection of claim 44.

Regarding the obviousness rejection of claim 38, this claim recites a direct attachment between the axle and the web of the beam body. As discussed above,

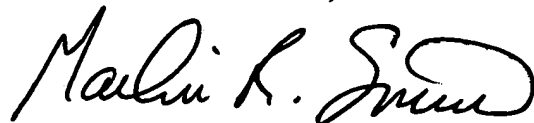
VanDenberg does not disclose an I-beam shaped beam body having a web. In addition, VanDenberg does not disclose a direct attachment between such a web and an axle. Instead, VanDenberg describes attachment of his top and bottom walls 34, 35 to the axle 19. Gimlett describes an axle which rotates in use and which could not in any conceivable way have a direct connection to a beam body. Thus, VanDenberg and Gimlett do not disclose the combination of elements and limitations recited in claim 38, and so the examiner is respectfully requested to withdraw the rejection of this claim.

In view of the foregoing amendment and remarks, all of the claims pending and being considered in this application are now seen to be in a condition for allowance. A Notice of Allowance of at least claims 1, 2, 6-9, 29, 30, 37-41, 44, 46, 49, 52 and 53 is therefore earnestly solicited. In addition, all of the claims dependent from these claims, but formerly restricted out of the present application, should also be allowed.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Marlin R. Smith", written in a cursive style.

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